

## FREQUENTLY ASKED QUESTIONS

## New Regulation for Small Containers of Automotive Refrigerant - Use and Sale

*Reducing climate change emissions from do-it-yourself automobile A/C re-charging*

The California Air Resources Board (ARB) has adopted a regulation to reduce refrigerant emissions from the do-it-yourself servicing of motor vehicle air conditioners (MVAC) such as those in cars and pickup trucks. This regulation became law in the state of California on January 1, 2010 and was further amended on April 13, 2017.

### What is the purpose of this regulation?

The purpose of the regulation is to reduce emissions of greenhouse gases (GHG). The current automotive refrigerant (R-134a) is a highly potent GHG. The global warming potential (GWP) of the refrigerant in a single 12-ounce container is equivalent to the carbon dioxide (CO<sub>2</sub>) emissions from 150 gallons of gasoline. The regulation helps prevent unnecessary releases of the refrigerant to the atmosphere and applies to automotive refrigerants with a GWP value greater than 150. It applies to containers holding more than two ounces and less than two pounds of refrigerant by weight.

### What does the regulation require?

The regulation has five requirements:

- Use of a self-sealing valve on all containers.
- Improved labeling instructions.
- Collection of \$10 deposit per container from consumers.
- A recycling program for used containers.
- An education program that emphasizes best practices for vehicle refrigerant recharging.

In order to certify products for sale in California, manufacturers must submit an application to ARB including information that shows their products meet these requirements.

### What was amended?

- The amount of deposit on each small container is fixed at \$10 [Section 95366(a)(2)].
- The amounts of unclaimed consumer deposits collected and transferred to manufacturers must be included in the annual reports due March 1<sup>st</sup> [Section 95367(a)(4)].
- All unclaimed consumer deposits collected from January through December of the preceding year must be transferred annually to manufacturers by April 1 [Section 95366(a)(4)]. For the year of 2017, the reporting period is April 13 through December 31.
- Any small container of automotive refrigerant that was packaged or manufactured for sale in California on or after April 13, 2017 and prior to January 1, 2018 is exempt from the new labeling requirements [Section 95364.1].
- The scope of enhanced education programs has been expanded to include “other programs, projects, and measures reducing greenhouse gas emissions” approved by the ARB’s Executive Officer [Section 95366(b)(5)].
- By May 1<sup>st</sup> of every year, manufacturers or their designee must provide two separate reports for the enhanced education programs [Section 95367(a)(6) & (7)]: the first report will outline the plan to

spend unclaimed consumer deposits from the previous year for the upcoming calendar year. The second report will include an account and description of how funds were spent in the previous calendar year.

### **Who must comply with the regulation?**

This regulation affects retailers who sell the product, and companies that package, distribute, or market the small cans of refrigerant, and the consumers who recharge MVAC systems using this product.

### **What are the Self-sealing Valve and Improved Labeling Requirements?**

Manufacturers and packagers must install a self-sealing valve on all small containers subject to this regulation to prevent refrigerant from venting to the atmosphere. They must also use improved labeling on small containers, including improved instructions for use, and a statement that it is illegal to destroy or discard the container or its contents.

### **What is the Recycling Program?**

The recycling program involves consumers, retailers, and manufacturers. A \$10 deposit will be required for each container of automotive refrigerant at the time of purchase. Containers are required to be returned within 90 days with a valid, retailer's proof of purchase for refund of the deposit. Retailers collect all used small containers from consumers and return them to the original manufacturer for recycling. Manufacturers then recover any refrigerant remaining in the container and recycle the can. Manufacturers, distributors, retailers (upon ARB request), and recyclers must report to ARB sales data, the number of returned containers, and the amount of refrigerant recycled annually.

### **What is the Education Program?**

The education program is administered by manufacturers and producers. They are funded by unclaimed consumer deposits that are collected by retailers and transferred every April 1<sup>st</sup> to manufacturers and producers. It is the responsibility of manufacturers and producers to develop educational brochures for distribution to consumers (through retailers) and maintain an informative website. The brochures and website must include instructions to identify and repair system leaks, best practice techniques for recharging an MVAC system, environmental hazards associated with the refrigerant, risks of overcharging or undercharging the MVAC, and a description of the recycling program.

### **When does the regulation take effect?**

The regulation took effect January 1, 2010, and was amended on April 13, 2017. The amendments became effective on April 13, 2017.

### **What are the consequences of not complying?**

Penalties may be assessed for any violation of this regulation pursuant to Health and Safety Code section 38580. Each day during any portion of which a violation occurs is a separate offense. Additionally, any violation of this subarticle may be enjoined pursuant to Health and Safety Code section 41513. Lastly, the Executive Officer may revoke any Executive Order issued pursuant to this subarticle for a violation of this subarticle.

### **Where can I find more information about the regulation?**

The regulation, fact sheets, executive orders for the certified products, and report forms are available at [www.arb.ca.gov/cc/hfc-mac/hfcdiy/hfcdiy.htm](http://www.arb.ca.gov/cc/hfc-mac/hfcdiy/hfcdiy.htm). For further information, contact Dr. Yahui Yang, Research Division, ARB at [yahui.yang@arb.ca.gov](mailto:yahui.yang@arb.ca.gov) or phone (916) 323-2537.

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